

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK J. ELLERBE,  
Plaintiff,

v.

THE JUDICIAL OFFICER,  
Defendant.

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CIVIL ACTION NO. 23-CV-3319

**ORDER**

AND NOW, this 7<sup>th</sup> day of September, 2023, upon consideration of Plaintiff Derrick J. Ellerbe's Motion to Proceed *In Forma Pauperis* (ECF No. 1), and *pro se* Complaint (ECF No. 2) it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. The Complaint is **DEEMED** filed.
3. The Complaint is **DISMISSED WITH PREJUDICE** as frivolous for the reasons in the Court's Memorandum.
4. The Court certifies that any appeal from this Order is not taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3)(A).
5. The Clerk of Court is **DIRECTED** to **CLOSE** this case.

**BY THE COURT:**

/s/ Michael M. Baylson

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**MICHAEL M. BAYLSON, J.**